

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ED BUTOWSKY,

Plaintiff,

V.

DAVID FOLKENFLIK, et al.,

CIVIL ACTION NO.

4:18-CV-00442-ALM

Defendants.

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DECLARATION OF LAURA LEE PRATHER

I, Laura Lee Prather, hereby declare pursuant to 28 U.S.C. § 1746:

1. My name is Laura Lee Prather. I am over the age of twenty-one (21) years and am fully competent to make this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.

2. I am a partner at the law firm of Haynes and Boone, LLP and lead counsel for Defendants in the above-captioned lawsuit. I am fully competent to make this declaration, and all the facts set forth herein are based on my personal knowledge and are true and correct.

3. I have overseen Defendants' discovery efforts in this case. As part of those efforts, Defendants served a subpoena on Aaron Rich, the plaintiff in a related lawsuit against the Plaintiff here, Ed Butowsky. *See Rich v. Butowsky* Case No. 1:18-cv-00681-RJL (D.D.C) (the "*Aaron Rich Case*"). The facts of the *Aaron Rich Case* overlap substantially to those in this lawsuit; specifically, both cases center around the death of Aaron Rich's brother, Seth, and Mr. Butowsky's involvement

in conspiracy theories following Seth's death. The subpoena to Aaron Rich requested, among other things, documents that Ed Butowsky and Rod Wheeler produced in the *Aaron Rich* Case.

4. On November 25, 2019, in response to Defendants' subpoena, counsel for Aaron Rich produced documents that Rod Wheeler previously produced in the *Aaron Rich* Case. Several of those documents were *not* produced by Wheeler in response to a subpoena issued directly to him in this litigation. Counsel for Aaron Rich also produced documents obtained from Butowsky in the *Aaron Rich* Case, but they did not do so until March 10, 2019, after Butowsky rescinded his prior objection to Aaron Rich's production of documents. Butowsky has not produced many of these documents in this litigation, despite Defendants' efforts to obtain them. As a result, Defendants did not have access to many of Plaintiff's documents prior to March 10, 2019.

5. The documents attached to this Declaration as Exhibits A-1, A-4, A-5, A-6, A-7, A-8, A-10, A-11, A-12, A-13, and A-17 were produced by Butowsky in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich.

6. The documents attached to this Declaration as Exhibits A-3, A-9, and A-16 were produced by Wheeler in the *Aaron Rich* Case and subsequently produced to Defendants by counsel for Aaron Rich.

7. The document attached to this Declaration as Exhibit A-14 is a copy of the contract between Wheeler and the Rich family, filed by Butowsky in *Rich, et al. v. Fox News Network LLC*, Case 1:18-cv-02223-GBD (S.D.N.Y.) (Dkt. 54-1).

8. The document attached as Exhibit A-15 is a copy of email correspondence from Zimmerman to Wheeler showing the contract originally signed by Rod Wheeler and the Rich family on March 14, 2020 with an apparently altered signature date of March 1, 2017 and a blank

space for Wheeler's signature. This document and Exhibit A-2 were produced to Defendants by Rod Wheeler in this litigation.

9. In his Response to Defendants' Rule 11 Motion at page 9, Plaintiff mischaracterizes the record. I replied to Steven Biss' email on February 17, 2020, a mere three hours after receipt. Furthermore, I attempted to engage Plaintiff's counsel in a conference call on February 13, 2020 and placed a call to Plaintiff's counsel on February 14, but I received no answer.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 25th day of March, 2020 in Austin, Texas.


LAURA LEE PRATHER

EXHIBIT A-1

From: Ed Butowsky (ebutowsky@gmail.com)
Sent: Monday, July 17, 2017 6:54:45 PM
To: Malia Zimmerman (maliamzimmerman@gmail.com); ed-s gmail (ebutowsky@gmail.com)
Cc:
Bcc:
Subject: Fwd: Edison Media Research and Seth Rich

Sent from my iPad

Begin forwarded message:

From: ebutowsky@gmail.com
Date: March 8, 2017 at 4:28:51 PM CST
To: Malia Zimmerman <maliamzimmerman@gmail.com>
Cc: Rod wheeler <rod@rodwheeler.com>
Subject: Re: Edison Media Research and Seth Rich

Cannot call sy

On Mar 8, 2017, at 3:20 PM, Malia Zimmerman <maliamzimmerman@gmail.com> wrote:

Thanks Rod.

Not sure if you and Ed think it is a good idea for you to call Sy Hersh to ask about getting ahold of his FBI contact? He might tell you if you are working for the family.

Just a thought.

Did you talk with the general manager of Lou's city bar?

On Wed, Mar 8, 2017 at 12:12 PM, Rod wheeler <rod@rodwheeler.com> wrote:

Thanks Malia. I spoke with Joel this morning and he assured me the signed agreement would be coming my way by early evening. He also shared with me that Aaron and Molly are in possession of the "2nd" cell phone so I would need to get it from them. Further, he said that Aaron and Molly examined the other "personal computer" but they did not see anything worth noting. I told him I would like to copy the hard drive and have it reexamined. He said he doesn't think it would be a problem, but it is up to Aaron and Molly. He said that Aaron should have a timeline of everyone Seth talked with the night of the incident however, he too agreed that there are several gaps in time that no one has been able to account for yet. Im still waiting to hear back from my MPD contact. I think by tomorrow, I should be able to make a move with them. (MPD) Im utilizing different approaches to seek out our information from the case file. Im going to call Aaron again this evening if I don't hear from them by 7:00pm. (They are in Denver)

Rod-

> On Mar 8, 2017, at 2:36 PM, Malia Zimmerman <malianzimmerman@gmail.com>
wrote:

>

> There was an allegation by some on line that Seth Rich was killed because he was supposed to be a key witness in a lawsuit against Edison Media Research, which was being sued by some activist group for reporting inaccurate exit polling data.

>

> I contacted the head of the group suing, Bob Fittrakis, and he said that they realized AFTER Seth Rich had died that he would have been a good witness in their case.. But Seth clearly wasn't killed for that reason.

>

> Just tracking down these little weird allegations that seem to pop up around this story.

>

>

EXHIBIT A-2

<iMessage>

2017-04-27 12:12 PM

Gentlemen please meet. Rod this is my friend who is looking into something we've been working on. I suggest you pick a location and a date and meet in person soon as possible. Rod, feel free to share everything and anything with him.

2017-04-27 06:08 PM

Thanks ed. Rod let me know

2017-04-28 07:55 AM

I am around this afternoon if that works for you.
I can link up anywhere in the D.C. Area or by the National harbor.

2017-04-28 09:07 AM

Ok, ill let you know. This afternoon may be tough

2017-05-01 09:02 AM

Gentlemen, please try to meet early this week even if it's just for 20 minutes.
Rod you have a lot of info to get to Dee O.
Dee O, this information is really eye-opening

2017-05-01 09:03 AM

Whats your shedule rod?

2017-05-01 09:07 AM

Ed I am in New York today and tomorrow teaching an active shooter Prepardness course at a chemical company. I am free to chat via phone after 5pm today and tomorrow.

2017-05-01 09:15 AM

Let me know your schedule when you are back in dc area and we will link up

10-4

2017-05-03 08:32 AM

Please connect today

2017-05-03 09:10 AM

Will do

2017-05-04 07:06 AM

D-O are you available to connect at 1:00pm today? Somewhere in the D.C. area?

2017-05-04 07:09 AM

Im in hearings all day today. How about tomorrow at 930am near the capitol?

2017-05-04 07:11 AM

That works for me! Corner bakery downstairs at the Fox Building. 400 N. Capitol. Good?

2017-05-04 07:17 AM

Any chance we can meet on the steps of the library of congress and duck inside there to chat. I have an 11 back inside the dome i need to make

2017-05-04 07:20 AM

Sure. No worries. See you then @9:30am tomorrow. Have a great day!

Awesome. Thanks

EXHIBIT A-3

To: ED Butowsky, Cash

ED Butowsky

Gentlemen please meet. Rod this is my friend who is looking into something we've been working on. I suggest you pick a location and a date and meet in person soon as possible. Rod, feel free to share everything and anything with him.

Cash

Thanks ed. Rod let me know

Cash

Ok, ill let you know. This afternoon may be tough

ED Butowsky

Gentlemen, please try to meet early this week even if it's just for 20 minutes. Rod you have a lot of info to get to Dee O. Dae O, this information is really eye-opening

Cash

Whats your shedule rod?

Cash

Let me know your schedule when you are back in dc area and we will link up

ED Butowsky

Please connect today

Cash

Im in hearings all day today. How about tomorrow at 930am near the capitol?

Cash

Any chance we can meet on the steps of the library of congress and duck inside there to chat. I have an 11 back inside the dome i need to make

Cash

Awesome. Thanks

4/27/17, 6:08 PM

I am around this afternoon that works for you. I can go anywhere in the D.C. Area away from the National harbor.

4/28/17, 7:55 AM

4/28/17, 9:07 AM

5/1/17, 9:02 AM

5/3/17, 8:32 AM

5/4/17, 7:06 AM

Will do.

D-O are you available to connect at 1:00pm today? Somewhere in the D.C. area?

That works for me! Corbier bakery downstairs at the Fox Building, 400 N. Capitol... Good?

Sure. No worries. See you then @8:30am tomorrow. Have a great day.

Screenshot



To: Cash

Details

iMessage with 15163306281
5/11/17, 2:46 PM

Can you call me real quick? Updated info: 202-368-3902

5/11/17, 6:38 PM

Can we chat tomorrow, today is crazy

Hey absolutely! Just give me a call anytime tomorrow when your free. Have a good evening !!

5/14/17, 7:44 PM

Cash, is it good to meet tomorrow with the D.C. detective? He's willing to meet. I am free anytime other than 1pm-5pm. Maybe we can meet @6pm? Yes.

6pm works

Location?

Somewhere in shaw/chinatown

Trying to think of place we can speak

5/15/17, 9:06 AM

How bout la colombe coffee shop in blagden alley, behind 9th and N

Willing to hear back from the detective to confirm

Screenshot



EXHIBIT A-4

From: Ed Butowsky (ebutowsky@gmail.com)
Sent: Thursday, April 20, 2017 5:01:10 AM
To: Seymour Hersh (syhersh@gmail.com)
Cc:
Bcc:
Subject: from ed butowsky.. i am in washington today.. are you open for lunch -

EXHIBIT A-5

From: ed butowsky (ebutowsky@gmail.com)
Sent: Friday, May 5, 2017 11:57:54 AM
To: Seymour Hersh (syhersh@gmail.com)
Cc:
Bcc:
Subject: Re: Good morning. Is there any doubt in your mind that the FBI cyber unit looked at Seth Rich computer -

I understand. You just had such details about what occurred that it seemed as though you were closer to the story than I guess it appears. No worries.

From: Seymour Hersh <syhersh@gmail.com>
Date: Friday, May 5, 2017 at 11:55 AM
To: ed's gmail <ebutowsky@gmail.com>
Subject: Re: Good morning. Is there any doubt in your mind that the FBI cyber unit looked at Seth Rich computer ?

ed -- reporters hear things, they believe things, they check it out, and if it ain't so, or ain't provable, they move on. i did not write it, and that is all you need to know...and for the record i do not have a friend at the fbi cyber unit...and never felt i had enough information to talk to anyone in the fbi about it...

On Fri, May 5, 2017 at 12:12 PM, <ebutowsky@gmail.com> wrote:

Thank you for responding.

When you explained it to me you had a lot of confidence. Therefore I had the impression that it came from someone at the cyber unit at the FBI who's your friend .I have been helping the family out on my own nickel and just want to confirm that one little piece of the story.

Is there someway you can call the person back who told you so you get more comfortable that the cyber unit was involved?

On May 5, 2017, at 10:59 AM, Seymour Hersh <syhersh@gmail.com> wrote:

ed...of course there is doubt...if i believed it, i would have written it...that's what i do for a living...and i did not write a word about seth rich. sy

On Fri, May 5, 2017 at 11:30 AM, <ebutowsky@gmail.com> wrote:

EXHIBIT A-6

From: ed butowsky (ebutowsky@gmail.com)
Sent: Friday, June 2, 2017 10:23:51 AM
To: Seymour Hersh (syhersh@gmail.com)
Cc:
Bcc:
Subject: Re: -

I know it isn't first hand knowledge but you clearly said , my memory is perfect , that you had a friend at the FBI who read / told you what was in the file on Seth Rich and I wonder why you aren't helping your country and sharing that information on who it was ?

From: Seymour Hersh <syhersh@gmail.com>
Date: Friday, June 2, 2017 at 9:22 AM
To: ed's gmail <ebutowsky@gmail.com>
Subject: Re: ?

ed --you have a lousy memory...i was not read anything by my fbi friend..i have no firsthand information and i really wish you would stop telling others information that you think i have...please stop relaying information that you do not have right...and that i have no reason to believe is accurate...

On Fri, Jun 2, 2017 at 9:02 AM, <ebutowsky@gmail.com> wrote:

I am curious why you haven't approached the house committee telling them what you were read by your FBI friend related to Seth Rich that you in turn read to me.

Based on all your work, it appears that you care about the truth.

Even though , as you said you couldn't get a second, shouldn't you tell them so they could use their powers to determine the truth?

EXHIBIT A-7

From: ebutowsky@gmail.com (ebutowsky@gmail.com)
Sent: Tuesday, June 27, 2017 4:36:33 PM
To: Seymour Hersh (syhersh@gmail.com); joel rich (joelrich48@gmail.com); Joel Rich (jrich12105@gmail.com)
Cc:
Bcc:
Subject: Re: -

Who is the person who read you the file or told you about it. Doesn't the family have a right to know? Stop being heartless !

On Jun 2, 2017, at 10:22 AM, Seymour Hersh <syhersh@gmail.com> wrote:

ed --you have a lousy memory...i was not read anything by my fbi friend..i have no firsthand information and i really wish you would stop telling others information that you think i have...please stop relaying information that you do not have right...and that i have no reason to believe is accurate...

On Fri, Jun 2, 2017 at 9:02 AM, <ebutowsky@gmail.com> wrote:

I am curious why you haven't approached the house committee telling them what you were read by your FBI friend related to Seth Rich that you in turn read to me.
Based on all your work, it appears that you care about the truth.
Even though , as you said you couldn't get a second, shouldn't you tell them so they could use their powers to determine the truth?

EXHIBIT A-8

From: Malia Zimmerman (maliamzimmerman@gmail.com)
Sent: Friday, May 19, 2017 8:46:51 AM
To: Ed Butowsky (ebutowsky@gmail.com)
Cc:
Bcc:
Subject: Re: Please listen to this audio

Do you want me to send him your response as well? Do you know that they're actually going to publish something today?

I don't know if the response is for internal or X ternal publishing purposes.

On Fri, May 19, 2017 at 6:42 AM Ed Butowsky <ebutowsky@gmail.com> wrote:

I understand and things will happen today to fix this. Let him know please . I completely empathize with his position and let him know that the egg will be washed away very soon

Sent from my iPad

On May 19, 2017, at 8:06 AM, Malia Zimmerman <maliamzimmerman@gmail.com> wrote:

About the tape

Begin forwarded message:

From: Greg Wilson <gregtwilson@optimum.net>
Date: May 19, 2017 at 1:56:51 AM PDT
To: "Zimmerman, Malia McLaughlin" <Malia.Zimmerman@FOXNEWS.COM>
Subject: Re: Please listen to this audio

It is very interesting, although I have no idea who the guy is talking to Ed Butowski. I only sorta know who Ed is. This is the point: it is not a matter of whether the premise of the story is true or not. Our story is flawed because the family attacked it (unless and until they refute Bauman) and because our main in the record source made a mess of it. I do not blame you for those factors, but you should be able to see that they wreck the story we put out. This is not a case of me or anyone else going wobbly. The story IS problematic right now.

Sent from my iPhone

On May 18, 2017, at 10:03 PM, Zimmerman, Malia McLaughlin
 <Malia.Zimmerman@FOXNEWS.COM> wrote:

It is the NSA source talking about getting info on Seth Rich and also how the FBI is using careful language to deny involvement when they do have a file. He's also talking about retracing Seth Rich's footprints on the dark web to see how he exchanged the files for bitcoin. He's talking to a Fox News

contributor Ed butowsky who is a good friend of John Moody's and tom Lowell. The NSA guy said my story is accurate. He's working to get files from the FBI and from the dark web.

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message (or responsible for delivery of the message to the addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox News or Fox Business must not be taken to have been sent or endorsed by either of them. No representation is made that this email or its attachments are without defect.

<New Memo.m4a>

Sent from my iPhone

EXHIBIT A-9

From: Rod wheeler <rod@rodwheeler.com>
To: ed butowsky <ebutowsky@gmail.com>, Larry Friedman <LFriedman@flawoffice.com>
Cc: Rod wheeler <rod@rodwheeler.com>
Subject: Response posted on Facebook
Date: May 20, 2017 at 9:49:01 PM EDT

Ed, I just noticed "my response" posted on your Facebook page. Who was this response made to? I am unaware. When you, Malia and I talked on Friday I said I did not want to send a response to anyone until Larry (attorney) advised us further. Help me to understand when you can. Again, I never approved of this "response."

Thanks.
Rod



Ed Butowsky
5 hrs ·

Rod Wheeler's response - Friday, May 19, 1 pm Pacific

In the contract I have with the family, signed by Joel, Mary and Aaron Rich, I am not allowed to speak to the media on the family's behalf, but I could speak to the media about this investigation of Seth Rich's murder or other stories I was involved in. They knew I was a Fox News contributor and regularly went on television.

I called Joel Rich the night before the Fox News story was going to be published, which was Monday night. During that 18-minute call (phone logs provided), I reviewed the story with Joel Rich, he liked it and was encouraged by the new leads. Joel already knew about the story because Fox had contacted him earlier in the day. He also suggested I contact an investigative reporter, Michelle Sigona, from CrimeWatch Daily with the information. I also spoke with Aaron Rich, Joel's son, for 21 minutes the night before the story came out and told him about the new information that had emerged and the story that would likely be coming out in the near future.

I told them both I would be commenting on the case and asking people to come forward if they had insight on the new information. I never violated the terms of our contract as I never spoke on behalf of the family.

[illegible]

EXHIBIT A-10

From: Ed Butowsky (ebutowsky@gmail.com)
Sent: Saturday, May 20, 2017 4:41:01 PM
To: Lawrence Meyers (larrymeyers66@gmail.com)
Cc:
Bcc:
Subject: FW: rod wheeler response

From: Ed Butowsky <ebutowsky@gmail.com>
Date: Saturday, May 20, 2017 at 10:57 AM
To: Ed Butowsky <ebutowsky@gmail.com>
Subject: rod wheeler response

Rod Wheeler's response - Friday, May 19, 1 pm Pacific

In the contract I have with the family, signed by Joel, Mary and Aaron Rich, I am not allowed to speak to the media on the family's behalf, but I could speak to the media about this investigation of Seth Rich's murder or other stories I was involved in. They knew I was a Fox News contributor and regularly went on television.

I called Joel Rich the night before the Fox News story was going to be published, which was Monday night. During that 18-minute call (phone logs provided), I reviewed the story with Joel Rich, he liked it and was encouraged by the new leads. Joel already knew about the story because Fox had contacted him earlier in the day. He also suggested I contact an investigative reporter, Michelle Sigona, from CrimeWatch Daily with the information. I also spoke with Aaron Rich, Joel's son, for 21 minutes the night before the story came out and told him about the new information that had emerged and the story that would likely be coming out in the near future.

I told them both I would be commenting on the case and asking people to come forward if they had insight on the new information. I never violated the terms of our contract as I *never* spoke on behalf of the family.

EXHIBIT A-11

From: Ed Butowsky (ebutowsky@gmail.com)
Sent: Saturday, May 20, 2017 10:51:31 AM
To: Malia Zimmerman (maliamzimmerman@gmail.com); Ed Butowsky (ebutowsky@gmail.com)
Cc:
Bcc:
Subject: Re: Seth Rich Story SHARE WITH ANYONE YOU THINK SHOULD GET THIS

We need to issue an accurate statement.

" we stand 100 % behind the story and when Mr.Wheeler said he was misquoted by Fox he was referencing the fox 5 washington story . Additionally Fox News will soon be supplementing the reporting with new information related to the FBI and the coverup.. Last point, the outrage from the family is coming directly from the DNC political PR team lead by Bauman.we still aren't sure why Mr.Bauman is blocking the Rich family from finding out who and why their son was killed "

From: Malia Zimmerman <maliamzimmerman@gmail.com>
Date: Friday, May 19, 2017 at 3:43 PM
To: Ed Butowsky <ebutowsky@gmail.com>
Subject: Fwd: Seth Rich Story

From Refet

From: "Kaplan, Refet" <Refet.Kaplan@FOXNEWS.COM>
Date: May 19, 2017 at 1:35:34 PM PDT
To: "Zimmerman, Malia McLaughlin" <Malia.Zimmerman@FOXNEWS.COM>, "Wilson, Greg" <Greg.wilson@FOXNEWS.COM>
Subject: RE: Seth Rich Story

Hey - did they not mention they were sending a cease and desist? We need the letter.

From: Jensen, Jessica
Sent: Friday, May 19, 2017 4:29 PM
To: Kaplan, Refet <Refet.Kaplan@FOXNEWS.COM>
Cc: Shanahan, Carly <Carly.Shanahan@FOXNEWS.COM>; Wallace, Jay <jay.wallace@FOXNEWS.COM>; Briganti, Irena <Irena.Briganti@FOXNEWS.COM>
Subject: RE: Seth Rich Story

Flagging that Rich family has sent a cease and desist order to Rod Wheeler.

BY ALEX SEITZ-WALD

<http://www.nbcnews.com/politics/justice-department/slain-dnc-staffer-s-family-orders-blabbing-detective-cease-desist-n762211>

From: Jensen, Jessica
Sent: Friday, May 19, 2017 12:24 PM
To: Kaplan, Refet
Cc: Shanahan, Carly; Wallace, Jay; Briganti, Irena
Subject: RE: Seth Rich Story

Hi Refet – please let us know as we have now received inquiries from Newsweek, New York Magazine and CNN have checked in following the Russian Embassy’s tweet. We look foolish as we haven’t issued any clarifications/corrections to our store despite Wheeler saying we misquoted him to other news outlets.

From: Kaplan, Refet
Sent: Friday, May 19, 2017 10:58 AM
To: Jensen, Jessica
Cc: Shanahan, Carly
Subject: RE: Seth Rich Story

We’re still waiting for the family to get back to us, and won’t have an update until they do. We’ll re-evaluate end of day if they still don’t answer.

From: Jensen, Jessica
Sent: Friday, May 19, 2017 10:50 AM
To: Kaplan, Refet <Refet.Kaplan@FOXNEWS.COM>
Cc: Shanahan, Carly <Carly.Shanahan@FOXNEWS.COM>
Subject: Seth Rich Story

Hi Refet – nice meeting you in person yesterday. Unfortunately, this has reared its head again as the Russian Embassy in the UK has now tweeted about the report. Do you have any update on whether

Thanks,
Jess

Jessica Jensen

Manager, Media Relations | FOX News Channel

O: 212.301.3531 | M: 917.435.7326

Jessica.Jensen@FOXNews.com

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EXHIBIT A-12

From: joel rich (joelrich48@gmail.com)
Sent: Friday, March 3, 2017 11:35:12 AM
To: ed butowsky (edbutowsky@icloud.com)
Cc:
Bcc:
Subject: Re: From ed butowsky

I should be free then. Why don't I call him when I get to quiet spot?

Joel

On Fri, Mar 3, 2017 at 9:01 AM, ed butowsky <edbutowsky@icloud.com> wrote:
I just spoke with Rod . Can you accept a call at 12:15 et/ 11:15 central?

Sent from my iPad

On Mar 3, 2017, at 9:37 AM, joel rich <joelrich48@gmail.com> wrote:

Ed

Thanks for helping us work on resolving this.

Yes, it would be okay for Rob to contact me. If I do not have time for a longer call I will call him back. If he can let me know when he wants to visit, I will make sure I'm at an area to talk openly. If you want to setup a good time for me to call him, that will also work.

Is Rob the same person who is in this video from last August?

<http://video.foxnews.com/v/5079544790001/?#sp=show-clips>

Joel

On Fri, Mar 3, 2017 at 6:39 AM, ed butowsky <edbutowsky@icloud.com> wrote:
I am acknowledging and agreeing with your desire to have control over any and all comments.

Rod Wheeler has been officially hired and is diligently working on it. He can I will get the video and a lot more than that . Is it okay if he wanted to call you?

My cell is 972.897.0197
Rod's is 202.368.3007

Sent from my iPad

On Mar 2, 2017, at 5:47 PM, joel rich <joelrich48@gmail.com> wrote:

Any information that has validity is what will help find out what happened!
If the investigator can get the video or other information, we definitely want to go ahead. We do not want anything released that this is in our possession until, and if, we choose to make a comment.

Is he the investigator who was on Fox last September?

We are VERY appreciative of your help!

Thank you,

Joel and Mary

On Thu, Mar 2, 2017 at 4:03 PM, ed butowsky <edbutowsky@icloud.com> wrote:
Great. I just received a lot of new info that is interesting and troubling at the same time.

Rod Wheeler , the private investigator I want to hire, has already uncovered some info that he will share immediately with you .

I will stand by to hear from you .

Please remember, this is all on me. No money from you ever.

On Mar 2, 2017, at 3:47 PM, joel rich <joelrich48@gmail.com> wrote:

Definitely interested.

Let me talk with Mary.

Sorry for delay responding.

Thank you.

Joel

On Tue, Feb 28, 2017 at 11:32 AM, ed butowsky
<edbutowsky@icloud.com> wrote:

FYI... he is a former homicide investigator in DC.

> On Feb 28, 2017, at 1:29 PM, ed butowsky <edbutowsky@icloud.com>
wrote:

>

> Good afternoon. I believe I have a route to start getting you really good
unfiltered proof. I know this is a very emotional subject but as you said if
I have something credible show it to you.

>

> Would you be interested in seeing the surveillance video ?

> I am in Washington and a friend of mine has access to it. I can get a
copy if you want it?

> With your permission I have a private investigator that I will hire on
your behalf (I will take care of all the money) to give me what she already
has in his possession.

>

EXHIBIT A-13

From: ed butowsky (ebutowsky@gmail.com)
Sent: Sunday, August 20, 2017 11:07:46 AM
To: Malia Zimmerman (maliamzimmerman@gmail.com)
Cc:
Bcc:
Subject: FW: From ed butowsky ... for your eyes only (your family can see)

From: ed's gmail <ebutowsky@gmail.com>
Date: Saturday, March 4, 2017 at 5:36 PM

Subject: From ed butowsky ... for your eyes only (your family can see)

Ed, remember I have to confirm the emails between Seth and Wikileaks and also confirm Rod's quotes. He might want some of these to not be attributed to him.

--

The Democratic National Committee staffer who was gunned down on a Washington, D.C., street 8 months ago just steps from his home in the cozy Washington DC's Columbia Heights neighborhood, did, in fact, provide some 30,000 internal emails between DNC party leaders to WikiLeaks, Fox News has confirmed.

Seth Rich, 27, who was murdered July 10, worked as a DNC data analyst and completed a database for spurring voter turnout. During a forensic search of Rich's work computer, two FBI cyber experts uncovered correspondence between Rich and Wikileaks and a Dropbox where documents were uploaded from Rich's computer to Wikileaks. The FBI cyber unit performed an analysis at the request of DC police.

While this could be a politically related hit, a source close to the investigation said the police chief, at the direction of the DC mayor, is keeping any information related to the case in his office, under lock and key, with only one DC detective allowed access.

"The DC mayor is really monitoring this case very closely and officers are restricted in terms of what they can say or not say to

the family and the public,” said a source close to the investigation.

“It appears that the investigators are walking on eggshells with regard to the case.”

The emails published July 22, 12 days after Rich’s death, and just before the Democratic Party Convention, showed top DNC officials conspired to stop Sen. Bernie Sanders of Vermont from becoming the party’s presidential nominee. That controversy resulted in Debbie Wasserman Schultz resigning as DNC chairperson during the convention. A number of Sanders supporters refused to support party nominee, Hillary Clinton, and some subsequently formed groups to work against Clinton and their party.

Former Washington DC Homicide Detective Rod Wheeler, who now runs his own private detective service, said detectives normal look at several possible working theories.

For example, police could look into whether Rich was killed by someone he knew for personal reasons, possibly out of jealousy, betrayal or anger. They could also investigate whether he was murdered for political reasons, either out of revenge for him releasing DNC emails to Wikileaks or to prevent him from sending additional files.

DC police have stuck to the theory that Rich’s murder was the result of a botched robbery, despite the fact that the dual assailants who shot Rich twice in his back, did not take his wallet, cell phone, keys, watch or \$2,000 necklace.

Wheeler said the botched robbery theory, which police have pursued for 8 months, doesn’t seem to be panning out.

Police should consider a political angle, he said, especially in light of WikiLeaks' founder Julian Assange alleging Rich was source.

During an Aug. 9 interview from Ecuador’s London embassy with a Dutch television reporter, Assange hinted that Rich was the source of those emails and announced Wikileaks put up a \$20,000 reward

The Dutch journalist looked astonished, and asked Assange, "What are you suggesting?"

"I am suggesting," Assange replied, "that our sources take risks, and they, they become concerned to see things occurring like that."

On Twitter, Wikileaks noted the reward and Assange's statement "should not be taken to imply that Seth Rich was a source for WikiLeaks or to imply that his murder is connected to our publications." Wikileaks has a policy not to release the names of its sources, even after their death.

But in subsequent appearances on Fox News Channel, Assange confirmed, "We're interested in anything that might be a threat to alleged WikiLeaks sources."

D.C. police have offered a \$25,000 reward. That, with the Wikileaks fund, and \$130,000 from Republican lobbyist Jack Burkman, amounts to \$175,000, the largest reward in such a case in the nation's capital.

Wheeler said several other leads could be followed in the case, such as a review of all of Rich's actions the night of his death. A bartender at Lou's City Bar told Fox News this week that Rich sat on the patio, not inside at his usual seat at the bar, before he leaving about 1:15 a.m. to walk home.

Police did not obtain security footage from the area or the restaurant to see if Rich met anyone or was in a confrontation with anyone who walked by or was a patron in the bar, according to the bartender on duty.

Rich took his time walking home, calling several people, including his father, who he missed because he had gone to sleep. He phoned a fraternity brother, and his girlfriend, Kelsey Mulka, who was out of town. Around 4:17 a.m., when Rich was about a block

6009
from his home, Mulka, still on the phone with him, heard voices in the background, but Rich reassured her he was steps away from being at his front door.

Two minutes later, Rich was shot twice in the back. Because DC has an alert system that detects gunshots, police were on the scene within 3 minutes. Rich, who had sustained bruising on his hands and face, remained conscious, but died at a nearby hospital about an 1 hour and 40 minutes later. Police and EMS personnel will not say whether Rich provided them with any clues about the identities of his attackers or their motivation.

Police also have refused to release security footage from a market on the corner of the crosswalk where Rich was killed to either the family or the media. The footage shows two people following Rich across the tiny crosswalk just moments before he was attacked. The camera captured the assailants' legs and Rich as he fell backwards into the street after being shot.

Wheeler said normally police would release the footage to the media to see if anyone remembers anything from that night or recognizes assailants. The family also should be privy to the entire case jacket, with all the details of the case, unless they are considered suspects, Wheeler said. However, according to Joel Rich, Seth Rich's father, they have not received a copy of the tape or many of the details related to their son's murder case.

EXHIBIT A-14

EXHIBIT 1

Capitol Investigations/Rod Wheeler Representative Agreement

6710 Oxon Hill Rd. Suite 210

National Harbor, MD 20745

Ph. 202.805.8001

www.4capitol.com

Client: Joel Rich, Mary Rich, Aaron Rich

Case: Murder of Seth Rich

MPD CCN#16-113-797

Joel Rich, Mary Rich, and Aaron Rich hereinafter referred to as "Client" do hereby agree to retain the services of Capitol Investigations/Rod Wheeler Private Investigation Consultants, which maintains its offices at 6710 Oxon Hill Rd., Suite 210, National Harbor, MD. 20745, for consultation and information gathering on behalf of the immediate family of Seth Rich on the following matter:

- Interview and investigate with regards to the official police investigation surrounding the death of Seth Rich. The representation shall not include media representation, unless otherwise permitted by the Client in writing.
- Granted rights and privileges as that of immediate family members of Seth Rich, with discussions with investigating agencies, i.e. Metropolitan Police Department and the FBI.

Capitol Investigations agrees to use its best efforts to investigate the matters set forth and perform the services for which it is being retained. Capitol Investigations makes no express warranties, assurances or guarantees with regards to the work that they will complete. Furthermore, the compensation payable to Capitol Investigations by the third party pursuant to this agreement are not in any way contingent upon or related to the results of the services performed or the information and details which are developed during the course of the investigation.

Capitol Investigations will not retain any additional clients in relation to the murder of Seth Rich. Capitol Investigations will not perform additional services (outside the scope of this agreement) that are related to the murder of Seth Rich.

This agreement shall be terminated immediately upon either party giving written notice to the other party.

Client further agrees to defend, indemnify and hold Capitol Investigations and/or its agents and employees harmless from any and all action, courses of action, claims, damages and demands of whatever type arising directly or indirectly from the services Capitol Investigations are being retained to perform pursuant to this agreement. The Client may, however, take actions against Capitol Investigations and/or its agents or employees for representations made to the media in violation of this agreement.

Capitol Investigations, LLC
6710 Oxon Hill Road, Suite 210
National Harbor, MD 20745
(202) 805.8001

RLW

MR
AR *JWR*

This agreement shall be binding upon Client's heirs, devisees, legatees, administrators, executors, successors, and assignees.

This agreement shall be construed and interpreted in accordance with the laws of the State of Maryland. If any portion of this agreement is determined to be invalid or unenforceable, the remainder of the agreement shall continue in full force and effect.

All information developed and submitted by Capitol Investigations LLC and provided to Client or Client's authorized representative shall be treated as strictly confidential and not released or disclosed to any third party without the prior written authorization of Capitol Investigations. Capitol Investigations shall not release any information regarding the investigation, including but not limited to findings, working theories or path forward to any third party without prior authorization by Client; unless that third party is an investigating agency, i.e. Metropolitan Police Department and the FBI.

Any and all compensation or fees associated with the investigation and this agreement shall be paid by Mr. Ed Butowsky, the "third party," in accordance with agreements made between Capitol Investigations and Mr. Ed Butowsky. Should any action involved in the investigation create a fee outside of this agreement, or should Mr. Ed Butowsky fail to pay fees, the Client is held harmless and will not be responsible for paying any fees, including outstanding balances.

This agreement constitutes the entire agreement between the parties with respect to the services to be provided by Capitol Investigations pursuant to this agreement. There are no other agreements, express, implied, written, oral or otherwise, except as expressly set forth herein. This agreement may only be modified in writing signed by both parties.

Dated:

3-14-17

CLIENT(S):

[Signature]
[Signature]
[Signature]

Dated:

3/14/2017

Capitol Investigations, LLC: By:

[Signature]

Capitol Investigations, LLC
6710 Oxon Hill Road, Suite 210
National Harbor, MD 20745
(202) 805.8001

EXHIBIT A-15

From: Malia Zimmerman <maliamazimmerman@gmail.com>
To: Rod Wheeler <rod@rodwheeler.com>
Subject: Contract
Date: May 16, 2017 at 1:23:58 PM EDT

Capitol Investigations s/ Rod Wheeler Representative Agreement
6710 Oxon Hill Rd. Suite 210
National Harbor, MD 20745
Ph. 202.805.8001
www.4capito1.com

Client: Joel Rich, Mary Rich, Aaron Rich
Case: Murder of Seth Rich
MPO CCN # G-113-797

Joel Rich, Mary Rich, and Aaron Rich hereinafter referred to as "Client" do hereby agree to retain the services of Capitol Investigations/Rod Wheeler Private Investigation Consultants, which maintains its offices at 6710 Oxon Hill Rd., Suite 210, National Harbor, MD. 20745, for consultation and information gathering on behalf of the immediate family of Seth Rich on the following matter:

- Interview and investigate with regards to the official police investigation surrounding the death of Seth Rich. The representation shall not include media representation, unless otherwise permitted by the Client in writing.
- Granted rights and privileges as that of immediate family members of Seth Rich, with discussions with investigating agencies, i.e. Metropolitan Police Department and the FBI.

Capitol Investigations agrees to use its best efforts to investigate the matters set forth and perform the services for which it is being retained. Capitol Investigations makes no express warranties, assurances or guarantees with regards to the work that they will complete. Furthermore, the compensation payable to Capitol Investigations by the third party pursuant to this agreement are not in any way contingent upon or related to the results of the services performed or the information and details which are developed during the course of the investigation.

Capitol Investigations will not retain any additional clients in relation to the murder of Seth Rich. Capitol Investigations will not perform additional services (outside the scope of this agreement) that are related to the murder of Seth Rich.

This agreement shall be terminated immediately upon either party giving written notice to the other party.

Client further agrees to defend, indemnify and hold Capitol Investigations and/or its agents and employees harmless from any and all action, courses of action, claims, damages and demands of whatever type arising directly or indirectly from the services Capitol Investigations are being retained to perform pursuant to this agreement. The Client may, however, take actions against Capitol Investigations and/or its agents or employees for representations made to the media in violation of this agreement.

Capitol Investigations, LLC
6710 Oxon Hill Road, Suite 210
National Harbor, MD 20745
(202) 805.8001

WR
BR

[illegible]

EXHIBIT A-16

From: ebutowsky@gmail.com
To: Rod Wheeler <rod@rodwheeler.com>
Subject: No Subject
Date: May 16, 2017 at 11:53:00 AM EDT

You might print off and sign your name then take a picture of it and send it to wherever it needs to be. I think that would be a very very smart idea.

Capitol Investigations at Rod Wheeler Representative Agreement
6717 Ohio Pike Rd. Suite 210
Harrisburg, PA 17145
Ph: 717.646.8001
www.capitol1.com

Client: Joel Rich, Mary Rich, Aaron Rich
Case: Murder of Seth Rich
MMO# 114-114-000

Joel Rich, Mary Rich, and Aaron Rich hereafter referred to as "Client" do hereby agree to retain the services of Capitol Investigations at Rod Wheeler Private Investigation Consultants, which maintains its offices at 6717 Ohio Pike Rd., Suite 210, Harrisburg, PA 17145, for consultation and information gathering on behalf of the immediate family of Seth Rich on the following matter:

- Interview and investigate with regards to the official police investigation surrounding the death of Seth Rich. The representation shall not include media representation, unless otherwise permitted by the Client in writing.
- Granted rights and privileges as that of immediate family members of Seth Rich, with discussions with investigating agencies, i.e. Metropolitan Police Department and the FBI.

Capitol Investigations agrees to use its best efforts to investigate the matters set forth and perform the services for which it is being retained. Capitol Investigations makes no express warranties, assurances or guarantees with regards to the work that they will complete. Furthermore, the compensation payable to Capitol Investigations by the third party pursuant to this agreement are not in any way contingent upon or related to the results of the services performed or the litigation and dispute which are developed during the course of the investigation.

Capitol Investigations will not retain any additional clients in relation to the murder of Seth Rich. Capitol Investigations will not perform additional services outside the scope of this agreement that are related to the murder of Seth Rich.

This agreement shall be terminated immediately upon either party giving written notice to the other party.

Client agrees to defend, indemnify and hold Capitol Investigations and/or its agents and employees harmless from any and all costs of action, claims, damages and demands of whatever type and in whatever form or manner from the services Capitol Investigations are being retained to perform pursuant to this agreement. The Client may, however, take actions against Capitol Investigations and/or its agents or employees for representations made to the media in violation of this agreement.

Capitol Investigations, LLC
6717 Ohio Pike Rd., Suite 210
Harrisburg, PA 17145
(717) 646-8001

WHEELER0000349

EXHIBIT A-17

From: ed butowsky (edbutowsky@icloud.com)
Sent: Saturday, July 1, 2017 10:48:58 PM
To: ed-s gmail (ebutowsky@gmail.com)
Cc:
Bcc:
Subject: Fwd: From ed butowsky
Attachments: Seth Rich Investigations Retainer.pdf; ATT00002.html

Sent from my iPad

Begin forwarded message:

From: ed butowsky <edbutowsky@icloud.com>
Date: March 3, 2017 at 2:26:32 PM CST
To: joelrich48@gmail.com
Subject: From ed butowsky

I understand you had a nice and rather fruitful conversation with Rod Wheeler.

We are going to get to the bottom of this. Rod is simply the best .

Attached is the basic agreement for Rod. With this, he can and will aggressively get you a lot of pertinent information. I said from the beginning , I will do whatever I can to help get you and your family the knowledge of what happened.

After reading and " running it by " whomever you feel needs to see it , please sign and send back to me.

You can fax it 972.386.9285 or nowadays you can just take a picture of the document and text or email it back to me.

I am paying all bills.

Please let me know when you have sent the signed document. The moment it is received, Rod will immediately take it downtown and start his work.

You will be pleased .

Capitol Investigations/Rod Wheeler Representative Agreement

6710 Oxon Hill Rd. Suite 210
National Harbor, MD 20745
Ph. 202.805.8001
www.4capitol.com

Client: Joel Rich
Case: Murder of Seth Rich
MPD CCN#16-113-797

Joel Rich, hereinafter referred to as "Client" does hereby agree to retain the services of Capitol Investigations/Rod Wheeler Private Investigation Consultants, which maintains its offices at 6710 Oxon Hill Rd., Suite 210, National Harbor, MD. 20745, for consultation, media representation and information gathering on behalf of the immediate family of Seth Rich on the following matter:

- Interview, investigate and represent immediate family members of Seth Rich in any and all media contacts and with regards to the official police investigation surrounding the death of Seth Rich.
- Granted rights and privileges as that of immediate family members of Seth Rich, with discussions with investigating agencies, i.e. Metropolitan Police Department and the FBI.

Capitol Investigations agrees to use its best efforts to investigate and represent the client in matters set forth and perform the services for which it is being retained. Capitol Investigations makes no express warranties, assurances or guarantees with regards to the work that they will complete. Furthermore, the and compensation payable to Capitol Investigations by Client pursuant to this agreement are not in any way contingent upon or related to the results of the services performed or the information and details which are developed during the course of the investigation.

This agreement shall be terminated immediately upon either party giving forty-eight (48) hours written notice to the other party.

Client further agrees to defend, indemnify and hold Capitol Investigations and/or its agents and employees harmless from any and all action, courses of action, claims, damages and demands of whatever type arising directly or indirectly from the services Capitol Investigations are being retained to perform pursuant to this agreement.

This agreement shall be binding upon Client's heirs, devisees, legatees, administrators, executors, successors, and assignees.

This agreement shall be construed and interpreted in accordance with the laws of the State of Maryland. If any portion of this agreement is determined to be invalid or unenforceable, the remainder of the agreement shall continue in full force and effect.

All information developed and submitted by Capitol Investigations LLC and provided to Client or Client's authorized representative shall be treated as strictly confidential and not released or disclosed to any third party without the prior written authorization of Capitol Investigations.

This agreement constitutes the entire agreement between the parties with respect to the services to be provided by Capitol Investigations pursuant to this agreement. There are no other agreements, express,

Capitol Investigations, LLC
6710 Oxon Hill Road, Suite 210
National Harbor, MD 20745
(202) 805.8001

Harb

implied, written, oral or otherwise, except as expressly set forth herein. This agreement may only be modified in writing signed by both parties.

Dated: _____

CLIENT:

Dated: _____

Capitol Investigations, LLC:

By:

Capitol Investigations, LLC
6710 Oxon Hill Road, Suite 210
National Harbor, MD 20745
(202) 805.8001

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